

Form 8



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MUNICIPAL LAW UNIT
1350 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MASSACHUSETTS 01103-1629

Town: _____

Date Town Meeting Convened: _____

Form 8 – Additional Information Required for the Approval of Historic District By-Laws Adopted Pursuant to M.G.L. c. 40C, § 3¹

This Form 8 is to be used when submitting to the Attorney General for approval the adoption or amendment of historic district by-laws. Where more than one amendment is proposed, you must submit a separate copy of this Form 8 for each amendment unless the information asked for is the same for all amendments.

Section 1

Section 1, Town Meeting Action.

A.) Town Meeting voted under Article(s) _____

Check one, follow corresponding direction:

- _____ To establish an historic district (*complete Sections 1 & 2 only*)
- _____ To enlarge historic district boundaries (*complete Sections 1 & 2 only*)
- _____ To reduce historic district boundaries (*complete Sections 1 & 2 only*)
- _____ To create an additional historic district (*complete Sections 1 & 2 only*)
- _____ To amend an historic district by-law (*complete Sections 1 & 3 only*)

B.) The buildings, structures or sites to be included in the proposed historic district may consist of one or more parcels or lots of land, or one or more buildings or structures on one or more parcels or lots of land. Does the by-law specify buildings, structures or sites to be included in the district?

_____ Yes _____ No

C.) A two-thirds vote was determined:

_____ By a counted vote (**Note:** “yes” votes = _____, “no” votes = _____)

¹ Historic District By-laws are authorized by statute “...to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.” [M.G.L. c. 40C, § 3]

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_____ By declaration of the Moderator pursuant to the provisions of M.G.L. c. 39, § 15, as amended.

If the two-thirds vote was declared by the Moderator, **please attach** a certified copy of either (i) the vote taken at this town meeting so authorizing, or (ii) a copy of the by-law provision so authorizing. **[Attachment #1, Copy of Vote or Copy of By-Law Provision]**

Section 2

Section 2. Procedures applicable to (1) the establishment of a new historic district, (2) the enlargement or reduction of an existing historic district, and (3) the creation of an additional historic district.

- A.) Investigation and Report.** Prior to the **establishment, enlargement, or reduction** of an historic district, or the **creation of an additional historic district**, an investigation and report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed historic district or districts shall be made by an Historic District Study Committee or by an Historic District Commission. The Committee or Commission is required to transmit copies of the report to both the Planning Board and to the Massachusetts Historical Commission for their respective consideration and recommendations.²

- 1.)** The investigation and report was made by (*check one*):

_____ The Historic District Commission; **or**
_____ An Historic District Study Committee.

- 2.)** Date of the report _____

- 3.)** A copy of the report was transmitted:

To the Planning Board on (*date*) _____ and;
To the Massachusetts Historical Commission on (*date*) _____

Please attach a copy of the report to this form. **[Attachment #2, Copy of the report]**

- B.) Public Hearing.** Not less than sixty (60) days after the transmittal of its report to the Planning Board and to the Massachusetts Historical Commission, the Commission (or Committee) shall hold a public hearing on the report after due notice has been given **at least fourteen (14) days** prior to the date thereof, which shall include a **written notice mailed** postage prepaid, **to the owners** as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in such district or districts.

² In the case of an **enlargement or reduction** of an existing historic district, the investigation and report shall be by the Historic District **Commission** having jurisdiction over that district, instead of a Study Committee. In the case of the creation of an **additional historic district**, the investigation and report shall be by the Historic District **Commission** of the town (or by the Historic District Commissions acting jointly if there be more than one) instead of by a Study Committee unless the Commission(s) recommend otherwise.

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- 1.) A public hearing on the report was held by the Commission (or Committee) on:³

Date _____

- 2.) Written notice of the public hearing was mailed postage prepaid to the owners as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in any new, enlarged, or additional historic district, and in the case of a reduction to an existing district, to the owners of each property in the district.

Written notice was mailed to property owners on:

Date _____

- C.) **Final Report, Map, Draft of Proposed By-law.** The Commission (or Committee) shall submit to the Town Meeting a **final report** with its **recommendations**, together with a **map** and a draft of the proposed **by-law or amendments** thereto.

- 1.) Did the Commission (or Committee) submit a final report with recommendations to Town Meeting (*check one*)?

_____ Yes _____ No

If yes, please attach a copy of this final report. [**Attachment #3, Final Report**]

- 2.) Did the Commission (or Committee) submit a map of the proposed district to Town Meeting (*check one*)?

_____ Yes _____ No

If yes, please attach a copy of this map. [**Attachment #4, Map of Proposed District**]

- 3.) Did the Commission (or Committee) submit to Town Meeting a copy of the proposed by-law or amendments thereto (*check one*)?

_____ Yes _____ No

If yes, please attach a copy of the proposed by-law or amendments. [**Attachment #5, Proposed By-Law or Amendment**]

Section 3

Section 3. Procedures Applicable to the Amendment of an Existing Historic District By-Law.

An Historic District By-Law may, from time to time, be amended in any manner not inconsistent with the provisions of M.G.L. c.40C by a two-thirds vote of Town Meeting, provided that the substance of such amendment has first been submitted to the Historic District Commission having jurisdiction over that district for its recommendation and its recommendation has been received by Town Meeting **or** sixty (60) days have elapsed without such recommendation.

- A.) The substance of the proposed amendment was submitted by _____ to the Historic District Commission having jurisdiction of the district.

Date _____

³ The hearing shall be **not less than sixty (60) days** from the date on which the report was transmitted to the Planning Board and to the Massachusetts Historical Commission as set forth in Section 2(A)(3)(a)&(b) above.

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Please attach a copy of the Notice to Commission Setting Forth the Substance of Proposed Amendment. [Attachment # 6, Notice to Commission Setting Forth the Substance of Proposed Amendment]

B.) Please check one:

_____ The Historic District Commission submitted to Town Meeting its recommendation on the substance of the proposed amendment;

Date _____

OR

_____ More than sixty (60) days have elapsed without recommendations from the Historic District Commission to Town Meeting.

Note 1: Filing with the Town Clerk and Recording in the Registry of Deeds. M.G.L. c. 40C, § 3, provides in pertinent part that no ordinance or by-law creating an historic district, or changing the boundaries of an historic district, shall become effective until a map or maps setting forth the boundaries of the historic district, or the change in the boundaries thereof, has been **filed with the town clerk** and has been **recorded in the registry of deeds** for the county or district in which the town is located, and the provisions of section 13A of chapter 36 shall not apply.

Note 2: Filing with Massachusetts Historical Commission. M.G.L. c. 40C, § 15, provides in pertinent part that all by-laws creating an historic district adopted by a town under authority of Chapter 40C and under authority of any special law – unless the special law shall otherwise provide – amendments thereto, maps of historic district created thereunder, and annual reports and other publications of commissions, and rosters of membership therein, shall be filed with the Massachusetts Historical Commission.

Attachments Checklist. When completing this form, ensure that you have including all appropriate attachments, as referenced throughout this form by the numbers listed below. Please check those Attachments that you have included:

- _____ **#1** Copy of Vote **or** Copy of By-Law Provision (*circle one*)
- _____ **#2** Copy of the report
- _____ **#3** Final Report
- _____ **#4** Map of Proposed District
- _____ **#5** Proposed By-Law or Amendment
- _____ **#6** Notice to Commission Setting Forth the Substance of Proposed Amendment

Certification

I certify that the information attached is complete and accurate.

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Signature of Town Clerk

PRINT name

Date signed